

### Subpart N—Operating Requirements

#### § 90.401 Scope.

The subpart prescribes general operating requirements for stations licensed under this part. This includes station operating procedures, points of communication, permissible communications, methods of station identification, control requirements, and station record keeping requirements.

#### § 90.403 General operating requirements.

(a) Licensees of radio stations in the private land mobile radio services shall be directly responsible for the proper operation and use of each transmitter for which they are licensed. In this connection, licensees shall exercise such direction and control as is necessary to assure that all authorized facilities are employed:

- (1) Only for permissible purposes;
- (2) Only in a permissible manner; and
- (3) Only by persons with authority to use and operate such equipment.

(b) In carrying out their responsibilities under § 90.403(a), licensees shall be bound by the provisions of the Communications Act of 1934, as amended, and by the rules and regulations of the Commission governing the radio service in which their facilities are licensed; and licensees may not, through written or oral agreements or otherwise, relieve themselves of any duty or obligation imposed upon them, by law, as licensees.

(c) Except for stations that have been granted exclusive channels under this part and that are classified as commercial mobile radio service providers pursuant to part 20 of this chapter, each licensee must restrict all transmissions to the minimum practical transmission time and must employ an efficient operating procedure designed to maximize the utilization of the spectrum.

(d) Communications involving the imminent safety-of-life or property are to be afforded priority by all licensees.

(e) Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to mini-

mize the potential for causing interference.

(f) Stations licensed in this part shall not continuously radiate an unmodulated carrier except where required for tests as permitted in § 90.405, except where specifically permitted by this part, where specifically authorized in the station authorization, or on an as needed basis in the Radiolocation Radio Service.

(g) The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization and until such deviation is corrected. For transmissions concerning the imminent safety-of-life or property, the transmissions shall be suspended as soon as the emergency is terminated.

[43 FR 54791, Nov. 22, 1978; 44 FR 32220, June 5, 1979, as amended at 59 FR 59965, Nov. 21, 1994]

#### § 90.405 Permissible communications.

(a) Stations licensed under this part may transmit only the following types of communication:

(1) Any communication related directly to the imminent safety-of-life or property;

(2) Communications directly related and necessary to those activities which make the licensee eligible for the station license held under this part. In addition, when communication service is provided under the cooperative sharing provisions of § 90.179, the licensee providing such service may transmit communications related to the activities for which the parties receiving the service would be eligible to be licensed.

(3) Communications for testing purposes required for proper station and system maintenance. However, each licensee shall keep such tests to a minimum and shall employ every measure to avoid harmful interference.

(b) The provisions contained in paragraph (a) of this section do not apply where a single base station licensee has been authorized to use a channel above 470 MHz on an exclusive basis, or to stations licensed under this part that are classified as CMRS providers under part 20 of this chapter.

[50 FR 6182, Feb. 14, 1985, as amended at 59 FR 59965, Nov. 21, 1994]